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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,000	04/12/2004	Genta Sato	0879-0439PUS1	1580
2292 7590 09/27/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER QUIETT, CARRAMAH J	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 09/27/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.		Applicant(s)	
	10/822,000		SATO, GENTA	
	Examiner		Art Unit	
	Carramah J. Quiett		2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/12/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS), filed on ⁰⁴~~01~~/12/2004, has been placed in the application file, and the information referred to therein has been considered as to the merits.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1 and 4-7** are rejected under 35 U.S.C. 102(e) as being anticipated by Gindele et al. (US 7,158,174).

For **claim 1**, Gindele teaches an automatic white balance adjusting method (col. 4, line 23 – col. 5, line 9), comprising:

a step of calculating the white balance correction values based on the RGB signals obtained from a color image pickup element (col. 5, lines 33-60); and

a step of adjusting the white balance of said RGB signals based on said calculated white balance correction values (col. 5, lines 5-9);

wherein said step of calculating the white balance correction values comprises:

a step of acquiring the color information for each of a plurality of division areas in which one screen is divided into a plurality of areas, based on said RGB signals within each division area (col. 5, lines 33-60);

a step of grouping the color information for said plurality of division areas for every color information similar to each other (col. 5, line 61 – col. 6, line 9);

a step of counting the number of color information within each of the groups into which the color information is grouped and obtaining a specific group for use in calculating the white balance correction values based on said counted number (col. 6, line 10 – col. 7, line 36); and

a step of calculating said white balance correction values based on the color information contained in said specific group (col. 8, lines 15-44).

For **claim 4**, Gindele teaches the automatic white balance adjusting method according to claim 1, wherein said step of obtaining the specific group comprises obtaining the group, as said specific group, in which the number of color information within each of the groups into which the color information is grouped is greater than or equal to a predetermined number (col. 7, line 38 – col. 8, line 15).

For **claim 5**, Gindele teaches the automatic white balance adjusting method according to claim 4, wherein said step of calculating the white balance correction values comprises calculating the white balance correction values to make the representative color information representing the color information within each group the target color information (col. 7, line 38 – col. 8, line 44), and

calculating said white balance correction values by adding the calculated white balance correction values for each group that is weighted by the number of color information with each group, when there are a plurality of said specific groups (col. 8, lines 15-44).

For **claim 6**, Gindele teaches the automatic white balance adjusting method according to claim 1, wherein said step of obtaining the specific group comprises obtaining, as said specific group, a group having the largest number of color information within each of the groups into which the color information is grouped (col. 7, line 38 – col. 8, line 44).

For **claim 7**, Gindele teaches the automatic white balance adjusting method according to claim 6, wherein said step of calculating the white balance correction value comprises calculating the white balance correction values to make the representative color information within said group having the largest number of color information the target color information (col. 7, line 38 – col. 8, line 44).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 2 and 3** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gindele et al. (US 7,158,174) in view of Usami (US 6,665,007).

For **claim 2**, Gindele teaches the automatic white balance adjusting method according to claim 1, wherein said step of acquiring the color information of said division areas (col. 5, lines 33-60). However, Gindele does not expressly teach that the adjusting step comprises a step of integrating the RGB signals within said division area for each color to obtain an integrated value for each color, and a step of acquiring the ratios R/G and B/G of said integrated value for each color and having the ratios R/G and B/G as the color information of said division area.

In a similar field of endeavor, Usami teaches that the adjusting step comprises a step of integrating the RGB signals within said division area for each color to obtain an integrated value for each color, and a step of acquiring the ratios R/G and B/G of said integrated value for each color and having the ratios R/G and B/G as the color information of said division area. Please read col. 1, lines 26-45. In light of the teaching of Usami, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the acquiring step of Gindele in order to perform automatic contrast adjustment thereby detecting peak values during white balancing. Please read Usami, col. 1, lines 26-45.

For **claim 3**, Gindele, as modified by Usami, teaches the automatic white balance adjusting method according to claim 2, wherein said step of grouping comprises a step of acquiring the distance in the color information between said adjacent division areas on a color space represented by R/G and B/G, and a step of grouping the color information for said adjacent division areas as the same group when said acquired distance is less than or equal to a predetermined value. Please read Usami, col. 1, lines 26-45.

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hyodo et al. (US 6952225)	Method and apparatus for auto white balance adjustment based upon light source type.
Kehtarnavaz et al. (US 7184080)	Auto white balancing via illuminant scoring.
Ishii et al. (US 7009640)	Color correction system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


NGOC-YEN VU
SUPERVISORY PATENT EXAMINER